ELECTION COMMISSION, INDIA

NEW DELHI,

Dated the 18th November, 1967.

NOTIFICATION.

No. 82/MY-15/67.—In pursuance of section 111 of the Representation of the People Act, 1951, the Election Commission hereby publishes the Order, pronounced on the 11th September, 1967, by the High Court of Mysore at Bangalore in Election Petition No. 15 of 1967.

IN THE HIGH COURT OF MYSORE AT BANGALORE.

Dated the 11th day of September 1967.

Before

THE HON'BLE MR. JUSTICE K. R. GOPIVALLABHA IYENGAR

Election Petition No. 15 of 1967

Shivanna, son of Bhimappa, Hebal, age 29 years, Hindu Harijan (Holeya), student studying L.L.M. in Osmania University, Hyderabad .... *Petitioner.*

(By Sri K. Jagannatha Shetty)

—Vs—

1. Papa Nala Narasappa, son of Yenkappa, age about 51 years, Christian, Resident of Gurmitkal, District Gulbarga, Mysore State.
2. Ramappa, son of Nagappa, Hindu Harijan, age 32 years, Resident of Yadgiri, Taluk Yadgiri, District Gulbarga, Mysore State.

3. Ramakrishna, son of Hanumiah, Hindu Holeya, Dasari, age 45 years, resident of Yadgiri, Taluk Yadgiri, Dist. Gulbarga, Mysore State.

4. Shivaram Sambu, age 35 years, Hindu Holeya, Resident of village Mogha, Taluk Chincholi, District Gulbarga, Mysore State. .... *Respondents.*

(Respondent 1 by Sri A. V. Albal, Respondents 2 to 4 *ex parte*)

Election Petition filed by the Petitioner under Section 81 of the Representation of the People Act, 1951 challenging the election of the Respondent No. 1 to the Mysore Legislative Assembly from Gurmitkal Legislative Assembly Constituency in the General Elections held in February 1967 and seeking an order that (a) the election of Respondent No. 1 for the reserved seat of Gurmitkal Legislative Assembly Constituency is declared to be void (b) to declare and held the petitioner as the successful candidate for the reserved seatof Gurmitkal Legislative Assembly Constituency (c) to name the persons that committed corrupt practices alleged in the petition and issue necessary penal proceedings under the Representation of the People Act, 1951 against those found guilty, (d) to award costs of this proceedings and (e) pass such orders as may be deem fit and proper in circumstances of this case.

This Election Petition coming on for orders on 11th September 1967 along with I.A. No. I under Section 109 of the Representation of the People Act 1951 to withdraw this election petition in the presence of Sri K. Jagannatha Shetty, Advocate for the Petitioner and Sri A. V. Albal, Advocate for respondent No. 1 and Respondents Nos. 2 to 4 *ex parte* and this Election Petition having stood over for consideration, the Court made the following order this 11th day of September 1967.

ORDER

Notice of the application made by the petitioner under Sec. 109 of the R.P. Act has been issued fixing to-day as the date of hearing. The notice has also been published in the official Gazette. The 1st Respondent has no objection for permitting the petitioner to withdraw the petition, subject to payment of its costs. The other respondents remain *ex parte* and they have also been notified of this petition.

From the affidavit filed in support of the petition, I an satisfied that the application is *bona fide* and is not induced by any bargain or consideration.

In the circumstances of the case, I grant leave to the petitioner to withdraw the petition.

The Petitioner shall pay the costs of the respondent, the advocates fee being Rs. 250.

I further direct that a sum of Rs. 100 may be retained from the deposit of Rs. 2,000 to meet the cost of reference the records received from the Office of the Deputy Commissioner at Gulbarga. Whatever balance remains may be refunded to the petitioner.

The petition is dismissed as withdrawn.

K. R. GOPIVALLABHA IYENGAR,

Judge. 11-9-1967.

By order,

K. S. RAJAGOPALAN,

Secretary to the Election Commission, India.